

**United States District Court**  
for  
**Middle District of Tennessee**

**Petition for Warrant or Summons for Offender Under Supervision**  
**(Supersedes petition filed as Docket Entry No. 157, May 8, 2012)**

Name of Offender: Joshua Cohen

Case Number: 3:06-00051

Name of Judicial Officer: Todd J. Campbell, U.S. District Judge

Date of Original Sentence: June 29, 2007

Original Offense: Conspiracy to Distribute and Possess with Intent to Distribute Five Kilograms or More of Cocaine

Original Sentence: 67 months' imprisonment and 5 years' supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: April 2, 2010

Assistant U.S. Attorney: Harold B. McDonough, Jr.

Defense Attorney: Ernest Wilson Williams and  
John David Schwalb

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**PETITIONING THE COURT**

- To consider the additional violation information at the defendant's revocation hearing.
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**THE COURT ORDERS:**

- ☒ Consider the additional violation information at the defendant's revocation hearing.  
☐ No Action  
☐ The Issuance of a Warrant:  
    ☐ Sealed Pending Warrant Execution  
        (cc: U.S. Probation and U.S. Marshal only)  
☐ The Issuance of a Summons.  
☐ Other

Considered this 17 day of Oct, 2012, and made a part of  
the records in the above case.

Todd Campbell

Todd J. Campbell  
U. S. District Judge

I declare under penalty of perjury that the foregoing is true and correct. Respectfully submitted,

Karen Webb

Karen L. Webb  
U.S. Probation Officer

Place Columbia, TN

Date October 15, 2012

### ALLEGED VIOLATIONS

The information provided in the previous petition, filed as docket entry No. 157, has been amended as follows:

Violation No. 1 - has been amended to include the disposition of the law violation.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation No.   Nature of Noncompliance

1.

**The defendant shall not commit another federal, state, or local crime:**

On April 12, 2012, Mr. Cohen was arrested in Fresno, California, and charged with Distribution of a Controlled Substance. This defendant is charged with violation of 21U.S.C. Section 841 and 18 U.S.C. Section 2 in the Middle District of Tennessee.

The complaint indicates that in or around February to April 2012, Mr. Cohen was sending marijuana and Roxicodone pills via United Parcel Service and Federal Express from California to a source in Cookeville, Tennessee. In return, Mr. Cohen was receiving money for the shipped controlled substances.

**On September 24, 2012, the defendant pled guilty to one count of Conspiracy to Distribute and to Possess with Intent to Distribute Oxycodone. Mr. Cohen is scheduled to be sentenced in U.S. District Court, Middle Tennessee, Nashville, on December 21, 2012.**

**Compliance with Supervision Conditions and Prior Interventions:**

Mr. Cohen has been on supervised release for just over 2 years. He was initially supervised in the Middle District of Tennessee as he lived with his mother, wife, and children in Spring Hill, Tennessee. Mr. Cohen struggled with finding employment and then started his own remodeling business that failed to bring in much business.

The Court was made aware of the Mr. Cohen's possible domestic abuse against his then pregnant wife in September 2010. However, there was not enough information to substantiate the abuse and Mr. Cohen was continued on supervision. He was assessed for both substance abuse and mental health issues and no treatment was recommended.

In August 2011, Mr. Cohen relocated to the Eastern District of California, in Fresno, California, to be closer to his and his wife's extended families and he had a job offer with JL Homes and Investments, remodeling rental property. As a result, his supervision was transferred to the Eastern District of California. Mr. Cohen appeared to be compliant with the terms of his supervision while in California.

**Update of Offender Characteristics:**

Mr. Cohen remains in federal detention at this time on the pending charge. He appeared on April 18, 2012 in the Eastern District of California and was ordered detained and transferred to the Middle District of Tennessee. **Mr. Cohen was ordered detained in the Middle District of Tennessee and is awaiting sentencing, after having recently pled guilty to a new charge.**

**U.S. Probation Officer Recommendation:**

It is respectfully requested that the additional violation information be considered at Mr. Cohen's upcoming revocation hearing. The U.S. Attorney's Office has been advised of this additional violation information.

Approved: \_\_\_\_\_



Kenneth Parham  
Supervisory U.S. Probation Officer

**SENTENCING RECOMMENDATION**  
**UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE**  
**UNITED STATES V. JOSHUA COHEN, CASE NO. 3:06-00051**

**GRADE OF VIOLATION:**           A  
**CRIMINAL HISTORY:**           I

**ORIGINAL OFFENSE DATE:**    **POST APRIL 30, 2003**           **PROTECT ACT PROVISIONS**


	<u>Statutory Provisions</u>	<u>Guideline Provisions</u>	<u>Recommended Sentence</u>
<b>CUSTODY:</b>	5 years (Class A felony) 18 U.S.C. § 3583(e)(3)	24-30 months	No recommendation
<b>SUPERVISED RELEASE:</b>	not more than 5 years	up to 5 years less any term of imprisonment 18 U.S.C. 3583(h)	No recommendation

**Statutory Provisions:** Revocation of supervised release is mandatory if the court finds that the defendant possessed a controlled substance in violation of the condition set forth in 18 U.S.C. § 3583(g)(1).

When a term of supervised release is revoked and the defendant is required to serve a term of imprisonment, the court may include a requirement that the defendant be placed on a term of supervised release after imprisonment. The length of such a term of supervised release shall not exceed the term of supervised release authorized by statute for the offense that resulted in the original term of supervised release, less any term of imprisonment that was imposed upon revocation of supervised release. 18 U.S.C. § 3583(h).

**Guideline Policy Statements:** Upon a finding of a Grade A violation, the Court shall revoke supervised release pursuant to § 7B1.3(a)(1).

Respectfully Submitted,

  
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Karen L. Webb  
U.S. Probation Officer

Approved: \_\_\_\_\_

Kenneth Parham  
Supervisory U.S. Probation Officer